



RE: South Plainfield Draft Consent Decree - Call

Sarah Flanagan to: Kautsky, Peter (ENRD)

05/25/2011 09:41 AM

Cc: "Ettinger, Jonathan", Lulu Cheng, "Evans, Rachel (ENRD)", "Sanoff, Robert"

From: Sarah Flanagan/R2/USEPA/US
To: "Kautsky, Peter (ENRD)" <Peter.Kautsky@usdoj.gov>,
Cc: "Ettinger, Jonathan" <JETtinger@foleyhoag.com>, Lulu Cheng/DC/USEPA/US@EPA, "Evans, Rachel (ENRD)" <Rachel.Evans2@usdoj.gov>, "Sanoff, Robert" <RSS@foleyhoag.com>

I am here. I have a call between 1 and 2:30. Any other time is fine.

"Kautsky, Peter (ENRD)"

I am. Rachel is away today. Sarah and...

05/25/2011 08:56:27 AM

From: "Kautsky, Peter (ENRD)" <Peter.Kautsky@usdoj.gov>
To: "Sanoff, Robert" <RSS@foleyhoag.com>, Sarah Flanagan/R2/USEPA/US@EPA, "Ettinger, Jonathan" <JETtinger@foleyhoag.com>, Lulu Cheng/DC/USEPA/US@EPA, "Evans, Rachel (ENRD)" <Rachel.Evans2@usdoj.gov>
Cc: "Ettinger, Jonathan" <JETtinger@foleyhoag.com>
Date: 05/25/2011 08:56 AM
Subject: RE: South Plainfield Draft Consent Decree - Call

I am. Rachel is away today. Sarah and Lulu?

From: Sanoff, Robert [mailto:RSS@foleyhoag.com]

Sent: Tuesday, May 24, 2011 6:13 PM

To: 'Flanagan.Sarah@epamail.epa.gov'; Kautsky, Peter (ENRD); Ettinger, Jonathan; 'Cheng.Lulu@epamail.epa.gov'; Evans, Rachel (ENRD)

Cc: Ettinger, Jonathan

Subject: RE: South Plainfield Draft Consent Decree - Call

Peter -- Jon and I wanted to talk to you about one central issue in the draft CD you sent -- which is the role of FPE. Any chance you and any one else you want to include might be available for a call sometime tomorrow morning?

Robby

**FOLEY
HOAG** LLP

Robert Sanoff

Seaport World Trade Center West
155 Seaport Boulevard
Boston, Massachusetts 02210-2600

617 832 1152 phone
617 832 7000 fax

617 930 2848 mobile

www.foleyhoag.com

From: Flanagan.Sarah@epamail.epa.gov [mailto:Flanagan.Sarah@epamail.epa.gov]
Sent: Tuesday, May 24, 2011 2:34 PM
To: Kautsky, Peter (ENRD); Ettinger, Jonathan; Cheng.Lulu@epamail.epa.gov; Evans, Rachel (ENRD); Sanoff, Robert
Subject: South Plainfield Draft Consent Decree - Call
We can use my conference number as usual.

From: "Kautsky, Peter (ENRD)" <Peter.Kautsky@usdoj.gov>
To: "Sanoff, Robert" <RSS@foleyhoag.com>, "Evans, Rachel (ENRD)" <Rachel.Evans2@usdoj.gov>, "Ettinger, Jonathan" <JETtinger@foleyhoag.com>
Cc: Sarah Flanagan/R2/USEPA/US@EPA, Lulu Cheng/DC/USEPA/US@EPA
Date: 05/24/2011 02:31 PM
Subject: RE: South Plainfield Draft Consent Decree Attached

Works for us. Talk to you then. Peter

From: Sanoff, Robert [<mailto:RSS@foleyhoag.com>]
Sent: Tuesday, May 24, 2011 2:26 PM
To: Evans, Rachel (ENRD); Ettinger, Jonathan
Cc: Kautsky, Peter (ENRD); 'Flanagan.Sarah@epamail.epa.gov'; 'Cheng.Lulu@epamail.epa.gov'
Subject: RE: South Plainfield Draft Consent Decree Attached

Jon is travelling on Tues and Wed next week. How about Thurs, June 2 at 11 am?

**FOLEY
HOAG** LLP

Robert Sanoff

Seaport World Trade Center West
155 Seaport Boulevard
Boston, Massachusetts 02210-2600

617 832 1152 phone
617 832 7000 fax
617 930 2848 mobile

www.foleyhoag.com

From: Evans, Rachel (ENRD) [<mailto:Rachel.Evans2@usdoj.gov>]

Sent: Tuesday, May 24, 2011 2:05 PM

To: Sanoff, Robert; Ettinger, Jonathan

Cc: Kautsky, Peter (ENRD); Flanagan.Sarah@epamail.epa.gov; Cheng.Lulu@epamail.epa.gov

Subject: RE: South Plainfield Draft Consent Decree Attached

I will be out Friday, unfortunately. Peter, Sarah and I are all available Tuesday after 2:30, would that work for the two of you?

Rachel

From: Sanoff, Robert [<mailto:RSS@foleyhoag.com>]

Sent: Tuesday, May 24, 2011 1:56 PM

To: Evans, Rachel (ENRD); Ettinger, Jonathan

Cc: Kautsky, Peter (ENRD); 'Flanagan.Sarah@epamail.epa.gov'; 'Cheng.Lulu@epamail.epa.gov'

Subject: RE: South Plainfield Draft Consent Decree Attached

I think it makes sense to postpone for a few days so we can review the draft. How about Friday morning at 10?

**FOLEY
HOAG** LLP

Robert Sanoff

Seaport World Trade Center West
155 Seaport Boulevard
Boston, Massachusetts 02210-2600

617 832 1152 phone
617 832 7000 fax
617 930 2848 mobile

www.foleyhoag.com

From: Evans, Rachel (ENRD) [<mailto:Rachel.Evans2@usdoj.gov>]

Sent: Tuesday, May 24, 2011 1:51 PM

To: Sanoff, Robert; Ettinger, Jonathan

Cc: Kautsky, Peter (ENRD); Flanagan.Sarah@epamail.epa.gov; Cheng.Lulu@epamail.epa.gov

Subject: South Plainfield Draft Consent Decree Attached

Rob and Jonathan,

Please find attached a draft of the South Plainfield consent decree. You will note that the federal settling agencies are not included at this time although we continue to negotiate with EDS about federal liability at the site. If you would still like to talk with us as scheduled at 2pm, we are available, but because you will not have been able to review the consent decree at that time, we suggest postponing the call. We would be happy to answer questions about the draft, please propose a date when you feel you will have had enough time to review it. This draft remains subject to the review and approval of management at DOJ, EPA, NOAA, and DOI.

Best regards,

Rachel Evans and Peter Kautsky

Rachel K. Evans

Trial Attorney

U.S. Department of Justice

Environmental Enforcement Section

Rachel.Evans2@usdoj.gov

Direct Phone: (202) 514-5471

Fax: (202) 616-2427

Cc: Peter Kautsky, Sarah Flanagan, Lulu Cheng

United States Treasury Regulations require us to disclose the following: Any tax advice included in this document and its attachments was not intended or written to be used, and it cannot be used, for the purpose of avoiding penalties under the Internal Revenue Code.

This email message and any attachments are confidential and may be privileged. If you are not the intended recipient, please notify Foley Hoag LLP immediately -- by replying to this message or by sending an email to postmaster@foleyhoag.com -- and destroy all copies of this message and any attachments without reading or disclosing their contents. Thank you.

For more information about Foley Hoag LLP, please visit us at www.foleyhoag.com.